

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

UNITED STATES OF AMERICA	§	
	§	
vs.	§	NO: WA:20-CR-00075(1)-ADA
	§	
(1) JACKIE DALE JOHNSON	§	

ORDER ACCEPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Before the court is the above styled and numbered cause. On February 13, 2024 the United States Probation Office filed a Petition For Warrant or Summons For Offender Under Supervision for Defendant (1) JACKIE DALE JOHNSON, which alleged that Johnson violated a condition of his supervised release and recommended that Johnson 's supervised release be revoked (Clerk's Document No. 41). A warrant issued and Johnson was arrested. On May 1, 2024, Johnson appeared before a United States Magistrate Judge, was ordered detained, and a revocation of supervised release hearing was set..

Johnson appeared before the magistrate judge on May 7, 2024, waived his right to a preliminary hearing and to be present before the United States District Judge at the time of modification of sentence, and consented to allocution before the magistrate judge. Following the hearing, the magistrate judge signed his report and recommendation on May 17, 2024, which provides that having carefully considered all of the arguments and

evidence presented by the Government and Defendant, based on the original offense and the intervening conduct of Johnson, the magistrate judge recommends that this court revoke Johnson supervised release and that Johnson be sentenced to imprisonment for NINETY (90) days, with a term of SIXTY (60) months of supervised release to follow the term of imprisonment (Clerk's Document No. 55). The defendant should receive twenty-five days of credit for time served. As a special condition, immediately upon release from the 90-day sentence, the defendant shall successfully participate in and complete the in-patient mental health treatment program at the Central Texas Veterans Affairs, and that the defendant shall continue to take any prescriptions as directed. Upon completion of the in-patient program, the defendant shall complete the SMILE (Seriously Mentally Ill Life Empowerment) Program.

A party may serve and file specific, written objections to the proposed findings and recommendations of a magistrate judge within fourteen days after being served with a copy of the report and recommendation, and thereby secure a *de novo* review by the district court. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A party's failure to timely file written objections to the proposed findings, conclusions, and recommendation in a report and recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *Douglass v. United Services Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (*en bane*). The parties in this cause were properly notified of the consequences

of a failure to file objections.

On May 7, 2024, following the hearing on the motion to revoke supervised release, all parties signed a Waiver Of Fourteen Day Rule For Filing Objections To Report and Recommendation Of United States Magistrate Judge (Clerk's Document No. 54). The court, having reviewed the entire record and finding no plain error, accepts and adopts the report and recommendation filed in this cause.

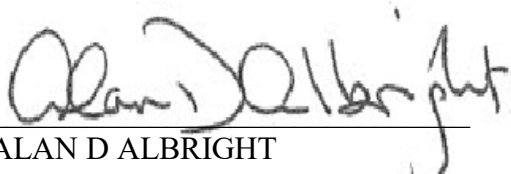
IT IS THEREFORE ORDERED that the Report and Recommendation of the United States Magistrate Judge filed in this cause (Clerk's Document No. 55) is hereby **ACCEPTED AND ADOPTED** by this court.

IT IS FURTHER ORDERED that Defendant (1) JACKIE DALE JOHNSON 's term of supervised release is hereby **REVOKED**.

IT IS FURTHER ORDERED that Defendant (1) JACKIE DALE JOHNSON be imprisoned for NINETY (90) days with a term of supervised release of SIXTY (60) months to follow the term of imprisonment. All prior conditions of supervised release are reimposed. The defendant shall receive twenty-five days of credit for time served. As a special condition, immediately upon release from the 90-day sentence, the defendant shall successfully participate in and complete the in-patient mental health treatment program at the Central Texas Veterans Affairs, and that the

defendant shall continue to take any prescriptions as directed. Upon completion of the in-patient program, the defendant shall complete the SMILE (Seriously Mentally Ill Life Empowerment) Program.

Signed this 29th day of May, 2024.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE